

UNITED STATES DISTRICT COURT

for the
District of New Mexico**FILED**UNITED STATES DISTRICT COURT
ALBUQUERQUE, NEW MEXICOIn the Matter of the Search of
(Briefly describe the property to be searched
or identify the person by name and address)

Case No. 16-MR-202 MAR 15 2016

Residence Address of 401 Road 390, Farmington,
New Mexico 87401**MATTHEW J. DYKMAN**
CLERK

APPLICATION FOR A SEARCH WARRANT

I, a federal law enforcement officer or an attorney for the government, request a search warrant and state under penalty of perjury that I have reason to believe that on the following person or property (identify the person or describe the property to be searched and give its location):
See Attachment A

located in the _____ District of _____ New Mexico _____, there is now concealed (identify the person or describe the property to be seized):
See Attachment B

The basis for the search under Fed. R. Crim. P. 41(c) is (check one or more):

- ☒ evidence of a crime;
☒ contraband, fruits of crime, or other items illegally possessed;
☐ property designed for use, intended for use, or used in committing a crime;
☐ a person to be arrested or a person who is unlawfully restrained.

The search is related to a violation of:

Code Section	Offense Description
Title 18 USC Section 1111	Murder
Title 18 USC Section 1153	Offenses Committed within Indian Country

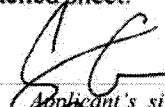
The application is based on these facts:

- ☒ Continued on the attached sheet.
☐ Delayed notice _____ days (give exact ending date if more than 30 days: _____) is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.

Sworn to before me and signed in my presence.

Date: March 15, 2016

City and state: Farmington, NM


 Applicant's signature
 CARY CAHOON / FBI Special Agent
 Printed name and title


 Judge's signature
 B. Paul Briones, US Magistrate Judge
 Printed name and title

Attachment A

The residence address of 401 Road 390, Farmington, New Mexico 87401, which is where Sage Andrew Yazzie, his mother and brother reside, is described as a yellow-colored, single-wide trailer, with a grey/purple-colored roof. The numerals "401" are affixed on the southeast side of the trailer, facing Road 390. There is a brown, wood staircase that leads to the front door of the trailer. The property where said trailer is located is surrounded by a chain-link fence with a gate to enter/exit the residence on the far south end of the property, along Road 390. Said property/residence is adjacent to and west of the Dino's Hideaway and Lounge.

Attachment B

Description of Items to be searched for:

1. Any and all firearms, ammunition, shell casings, and firearm accessories.
2. Any cell phones possibly belonging to Sage Andrew Yazzie, along with any miscellaneous items that may aid in establishing the facts and circumstances surrounding the murder of John Doe on 02/23/2016 in Huerfano, New Mexico.

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF NEW MEXICO

AFFIDAVIT

I, Cary Cahoon, being duly sworn, hereby depose and say:

1. I am a Special Agent (SA) with the United States Department of Justice, Federal Bureau of Investigation (FBI), and have been employed as such since 1999. I am currently assigned to the Albuquerque Division of the FBI, Farmington Resident Agency, and have primary investigative responsibility in crimes that occur in Indian Country, including violent crimes such as homicide, robbery, arson, aggravated assault, and sexual assault. I am also responsible for investigating all other federal crimes for which the FBI investigates in the San Juan County area of New Mexico. The information set forth in this affidavit has been derived from an investigation conducted by myself, Crownpoint Criminal Investigator (CI) Rosina Ford (Navajo Department of Criminal Investigations), and/or communicated to me by other law enforcement officers and witnesses regarding a homicide that occurred on or about 02/23/2016, in the area of Huerfano, New Mexico, which is located within the exterior boundaries of the Navajo Nation Indian Reservation.

2. This investigation concerns a violation of Title 18 U.S.C. Sections 1111 and 1153, Murder Committed in Indian Country.

3. On 02/23/2016, at approximately 10:09 p.m., I arrived at a residence in Huerfano, New Mexico, where Jane Doe 1 lives with her two daughters, Jane Doe 2 (Juvenile) and Jane Doe 3 (Adult). Upon arriving, there were several officers from the Navajo Police Department who were present, along with CI Rosina Ford. They informed me that there was an individual inside the

residence who was deceased. Once inside the residence, I observed a non-responsive, older Native American Male (Hereinafter referenced as John Doe) lying on his back in the front living room area. John Doe had a significant amount of suspected blood on his face, head, and clothing, as well as on the floor near and around his body. I further observed an expended shell casing in between the front door and where John Doe's body lay.

4. Shortly after arriving, CI Ford and I conducted a brief interview with Jane Doe 1. Jane Doe 1 advised that she and her boyfriend (John Doe), who does not live with her, were at her residence when Jane Doe 2's boyfriend, Sage Alex Mike (Note: Sage Alex Mike was later identified as Sage Yazzie and hereinafter will be referenced as Yazzie), came to Jane Doe 1's residence earlier that night looking for Jane Doe 2. Jane Doe 1 believed it was around 7 p.m. when Yazzie showed up, as it was dark outside. Jane Doe 1 was surprised to see Yazzie because she hadn't seen him for approximately one (1) year. Jane Doe 1 told Yazzie that Jane Doe 2 wasn't home because she was at work. Shortly thereafter, Jane Doe 1 invited Yazzie inside because it was cold outside. When Yazzie entered the residence John Doe was sitting on the coffee table in the front living room. Yazzie asked Jane Doe 1 who he was (Referring to John Doe). Jane Doe 1 responded and said it was her boyfriend. At that point, John Doe introduced himself to Yazzie and they shook hands. Yazzie then told John Doe something to the effect of, "You better leave my girlfriend's mom alone" and "You shouldn't be doing anything to her because she's in a wheelchair" (Note: Jane Doe 1 is in a wheel chair due to a vehicle accident she was in a long time ago). John Doe responded and said he wasn't doing anything to Jane Doe 1. After Yazzie and John Doe spoke briefly, Yazzie walked to the front door and then turned to John Doe and said something to the effect of, "You better keep it cool." Jane Doe 1 then observed Yazzie reach into his pocket and pull out a black handgun. He then pointed it at John Doe's head and fired one

round. Jane Doe 1 saw John Doe fall back and then Yazzie exited the residence. Jane Doe 1 believed Yazzie left in a pickup truck and that one or two people may have been inside the truck. Yazzie didn't say anything to John Doe or Jane Doe 1 when he shot him. Nobody else was at the residence at the time Yazzie shot John Doe. After John Doe was shot, John Doe did not say anything, nor did he move at all. Jane Doe 1 believed John Doe died shortly after being shot because he was non-responsive and appeared to not be breathing. Soon thereafter, Jane Doe 1 called "911" to report the shooting. Jane Doe 1 described Yazzie as being Native American, approximately 20-25 years of age, thin build, approximately 5'6" to 5'8" in height, with no discernible markings or features. She also said Yazzie was wearing a black and grey jacket or hoodie, and possibly a beanie.

5. Jane Doe 1 further reported that John Doe was physically abusive to her at times and was usually intoxicated when he was around her. Because John Doe was abusive to Jane Doe 1, Jane Doe 1's two daughters did not like him, nor did he like them.

6. Jane Doe 1 also provided information about an incident that occurred earlier that morning (02/23/2016) involving John Doe, Jane Doe 1, and Jane Doe 1's two daughters. Jane Doe 1 advised that John Doe came to her house intoxicated and was knocking on the front door. Jane Doe 3 yelled at him multiple times to leave. When nobody answered the door John Doe started knocking on the windows and then went to the back door and began knocking. When Jane Doe 1 answered the back door, John Doe was standing there with a long knife and machete in his hand and wanted to know the whereabouts of Jane Doe 3. John Doe began forcing his way into Jane Doe 1's house while Jane Doe 1 tried to keep him from coming in. As Jane Doe 1 continued to fight off John Doe, he ended up slicing her finger. When John Doe finally entered the residence he went down the hallway to Jane Doe 3's bedroom. Jane Doe 1 yelled to her daughters that John Doe had a

knife and to watch out. When John Doe saw that Jane Doe 3 wasn't in her bedroom he went to Jane Doe 2's bedroom, but the door was locked. John Doe kicked the door several times until he was able to get it opened. Jane Doe 1's daughters exited the bedroom by going out the window. Jane Doe 2 went back inside the house through the back door with a shovel and told John Doe multiple times to leave the house and to leave Jane Doe 3 alone. Soon thereafter, Jane Doe 3 entered the residence as well. Jane Doe 2 and 3 then physically fought and pushed John Doe out the front door and locked it. While Jane Doe 1's daughters were contending with John Doe, Jane Doe 1 contacted "911" to report said incident. After John Doe left, Jane Doe 1's daughters got ready and left the residence to go to Farmington with a neighborhood friend.

7. John Doe later returned to the residence, but Jane Doe 1 told him multiple times to leave. When the police arrived John Doe was passed out in the car he was driving, which was parked in the driveway of Jane Doe 1's residence. Because he had a deep laceration on his left temple and a history of seizures, an ambulance was dispatched and John Doe was subsequently transported to the San Juan Regional Medical Center, where he was treated and released.

8. John Doe returned to Jane Doe 1's residence approximately 30 minutes prior to Yazzie showing up. At the time, John Doe was intoxicated. Jane Doe 1 told John Doe multiple times that she didn't want him there, but he was persistent in coming in and staying there for the night. John Doe promised he wouldn't do anything and pleaded with Jane Doe 1 to let him in. Jane Doe 1 eventually let him in.

9. Crownpoint Evidence Technician (ET) Donovan Becenti processed the crime scene and collected several items of evidence, to include the expended shell casing, which was determined to be a 9mm casing. The field investigator with the

Office of the Medical Investigator (OMI) responded to the scene, conducted his investigation, and then pronounced John Doe's death at 1:46 a.m., on 02/24/2016. John Doe's body was subsequently transported to Albuquerque for autopsy purposes.

10. On the night of 02/23/2016, an officer with the Farmington Police Department made contact with Jane Doe 2 at her place of employment regarding the shooting. Jane Doe 2 told the officer that she used to date a "Sage Yazzie" a while ago, but she wasn't with him now. She further told the officer that Yazzie previously attended PV High School in Farmington. The officer subsequently provided me with a date of birth and possible address for Yazzie. The year of birth he provided was 1996, and the address was 401 Road 390, Farmington, New Mexico 87401.

11. Based on the information Jane Doe 1 provided concerning Sage Alex Mike, numerous queries and checks of his name were conducted through various local, tribal, and federal law enforcement databases, as well as through several public internet sites. However, search results for Sage Alex Mike produced negative results. Further queries/checks concerning Sage Yazzie produced criminal history results, New Mexico Motor Vehicle Department information, and biographical data.

12. According to Sage Yazzie's criminal record, Yazzie was arrested on 02/25/2015 by the Farmington Police Department on multiple offenses, to include "Unlawful Possession of a Handgun by a Person (Under 19)."

13. After fully identifying Sage Andrew Yazzie investigators again met with Jane Doe 1 to conduct a more detailed interview with her, and to conduct a photographic line-up. Jane Doe 1 told investigators that she initially thought Jane Doe 2's previous boyfriend was Sage Alex Mike, but after talking with her daughters she realized his name wasn't Sage Alex

Mike, but rather Sage Yazzie. Jane Doe 1 didn't know why she thought his last name was Mike. The reason Jane Doe 1 thought Yazzie's name was Alex was because when Yazzie introduced himself to John Doe the night of the shooting, Jane Doe 1 thought she heard Yazzie tell John Doe that his real name was Alex, but that he goes by the name "Sage."

14. After interviewing Jane Doe 1, I conducted a photographic line-up with her. Jane Doe 1 was given a set of instructions and then shown six separate photographs with no identifying information. One of the photographs was of Sage Andrew Yazzie. Jane Doe 1 ruled out the other five (5) individuals as being the shooter, but when she was shown the photograph of Yazzie she immediately identified him as the person who came to her house the night of 02/23/2016 and shot and killed John Doe. She also identified him as being "Sage Yazzie." When asked how certain she was that said person was the shooter, she said, "One hundred percent."

15. When interviewing Jane Doe 2 she told investigators that she dated Yazzie for about two years and then they broke up in May 2015. In the past couple of months Yazzie has attempted to get back with Jane Doe 2, but she has refused to get back with him because they always used to argue when they were together. On the day of the shooting, Yazzie sent Jane Doe 2 a Facebook message that read, "hey hey." Jane Doe 2 did not respond to Yazzie's message. Jane Doe 2 last saw Yazzie on Sunday, 02/28/2016, at approximately 9:00 p.m., when he showed up at her place of employment and was acting "weird." Jane Doe 2 tried to ignore him. Yazzie asked Jane Doe 2 how she was doing and if she was okay, but she didn't really say much to him. He eventually departed. Before seeing him on Sunday, 02/28/2016, Jane Doe 2 hadn't seen or talked to Yazzie since December 2015 when she ran into him at the Farmington Animas Mall.

16. Jane Doe 2 never told Yazzie to meet him at her house,

nor did she talk to or see Yazzie the day of the shooting. Jane Doe 2 advised she had nothing to do with John Doe's death. Jane Doe 2 told investigators she was at work on 02/23/2016 from approximately 5:00 p.m. to sometime after 10:00 p.m. When Jane Doe 2 and Yazzie were dating, and at various times thereafter, she used to tell Yazzie about John Doe and the way John Doe treated her mom (Jane Doe 1). Jane Doe 2 also told Yazzie about the time John Doe beat up her dad and the other time he beat up her sister (Jane Doe 3). Jane Doe 2 did not know why Yazzie killed John Doe because he didn't even know him. Jane Doe 2 admitted to posting a message on Facebook the morning of 02/23/2016, after the machete incident, that read something to the effect of, "This morning asshole came at my family with a machete." Jane Doe 2 took the post down an hour or two later, but suspects Yazzie saw it and decided he was going to do something about it. Investigators showed Jane Doe 2 the same photograph of Yazzie that was used in the photo line-up with Jane Doe 1 and asked her if she recognized the individual in the photo. Jane Doe 2 immediately identified the individual in the photo as Sage Yazzie.

17. Pursuant to an authorized arrest warrant signed by United States Magistrate Judge B. Paul Briones, United States District Court for the District of New Mexico, Yazzie was arrested without incident at the Farmington FBI Office on 03/10/2016. Prior to his arrest, myself and CI Ford interviewed Yazzie in connection with the 02/23/2016 shooting death of John Doe. During the interview, Yazzie told investigators he did not own or possess a firearm/gun, nor were there any firearms at his place of residence, which he provided as 401 Road 390, Farmington, New Mexico 87401. Yazzie advised that he lives at said residence with his mother (Hereinafter referenced as Jane Doe 4) and his brother. Yazzie denied having anything to do with the death of John Doe. Yazzie indicated he has a cell phone and that his cell phone number is (505) 215-5098.

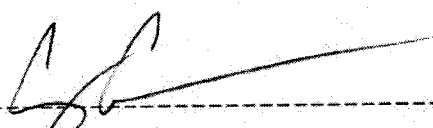
18. On 03/11/2016, I met with Jane Doe 4 and she told me that Yazzie does not own or have a gun, but she does. Jane Doe 4 said she owns a 9mm handgun, possibly a Smith and Wesson, that she purchased from her cousin in 2015. Jane Doe 4 keeps the gun in a safe/locked container in her house for protection. Jane Doe 4 did not disclose the location of the safe/container, but said it's in a "general" area at her residence. Yazzie is aware of the gun in the house and that it's in the above-referenced safe/container. Jane Doe 4 keeps the safe/container secured, but Yazzie can access it if he wants or needs to.

19. Based on the aforementioned facts, I respectfully submit that evidence in the form of firearms, ammunition, shell casings, and firearm accessories exists at the residence where Yazzie, his mother and his brother live, and that their residence, described as a yellow-colored, single-wide trailer with a grey/purple-colored roof, is located at 401 Road 390, Farmington, New Mexico 87401. I further submit that there is probable cause to believe said evidence was used by Yazzie to commit murder at Jane Doe 1's residence in Huerfano, New Mexico, which is located on the Navajo Nation Indian Reservation, and is a violation of Title 18 U.S.C. §1111, the unlawful killing of a human being with malice aforethought, and Title 18 U.S.C. §1153, Crimes committed in Indian Country. It should be noted that both Yazzie and John Doe are Native American, specifically Navajo.

20. Therefore, I request permission to conduct a search of the exterior and interior of said residence, as well as any safes, lockboxes, and locked or unlocked containers, where the above-referenced items might be secured.

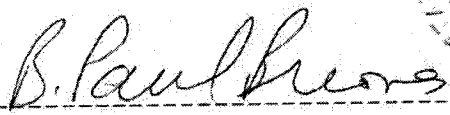
21. Additional evidence being sought in this search includes any cell phones possibly belonging to Yazzie, along with any miscellaneous items that may aid in establishing the facts and circumstances surrounding the murder of John Doe on 02/23/2016 in Huerfano, New Mexico.

22. I swear that this information is true and correct to the best of my knowledge and belief.

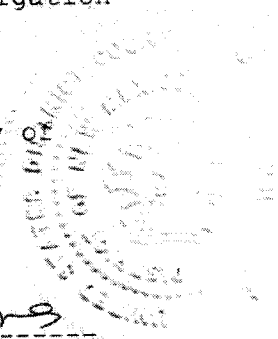


Cary Cahoon
Special Agent
Federal Bureau of Investigation

Subscribed and sworn before me on this 15 day of March 2016.



United States Magistrate Judge



Attachment A

The residence address of 401 Road 390, Farmington, New Mexico 87401, which is where Sage Andrew Yazzie, his mother and brother reside, is described as a yellow-colored, single-wide trailer, with a grey/purple-colored roof. The numerals "401" are affixed on the southeast side of the trailer, facing Road 390. There is a brown, wood staircase that leads to the front door of the trailer. The property where said trailer is located is surrounded by a chain-link fence with a gate to enter/exit the residence on the far south end of the property, along Road 390. Said property/residence is adjacent to and west of the Dino's Hideaway and Lounge.

Attachment B

Description of Items to be searched for:

1. Any and all firearms, ammunition, shell casings, and firearm accessories.
2. Any cell phones possibly belonging to Sage Andrew Yazzie, along with any miscellaneous items that may aid in establishing the facts and circumstances surrounding the murder of John Doe on 02/23/2016 in Huerfano, New Mexico.